

Governor's Juvenile Justice Advisory Council 2014 Annual Report

The Juvenile Justice and Delinquency Prevention (JJDP) Act was passed by the United States Congress in 1974. It has been amended on several occasions and was reauthorized in 2002. The act has served as a major reform measure for juvenile justice in the United States and has redirected resources toward more innovative approaches to juvenile justice, emphasizing prevention and early intervention rather than simply focusing on the handling of juvenile delinquents. The core principles of the Act seek to remove status offenders (runaways, violations of curfew, truants and incorrigibles, etc.) from secure facilities, separate juveniles from adult offenders in all placements, remove all juveniles from adult detention facilities, and reduce the disproportionate representation of minorities throughout the juvenile justice system. In each participating state, the JJDP Act requires the creation of an advisory group to inform the Governor and other elected officials of issues concerning juvenile justice and other related matters.

The advisory groups in each state and territory assist and guide elected officials in addressing juvenile related issues. The Coalition for Juvenile Justice (CJJ) gathers together the state advisory groups in a national cooperative effort to exchange knowledge, innovations and data; develop consensus for national juvenile justice policy; and promote advocacy for youth in the juvenile justice system.

In South Carolina, the Governor's Juvenile Justice Advisory Council (GJJAC) consists of volunteer private citizens with an abiding interest and training in children's issues, as well as representatives from state and local governmental agencies involved in juvenile justice and delinquency prevention. Created by South Carolina statute (Section 23-4-210) in 1975, the GJJAC is charged with the responsibility of advising policy makers on the state level about the needs of children and the juvenile justice system.

The GJJAC works toward the welfare of all youth, supports community efforts to build safe communities, recommends improvements in juvenile justice services, and offers technical assistance to state and local agencies in the planning and implementing of programs to improve the juvenile justice system. The GJJAC believes that keeping children out of the juvenile justice system through delinquency prevention and early intervention programs is critical to improving both the juvenile justice system and the quality of life for all of South Carolina's citizens.

The GJJAC also supports Balanced and Restorative Justice. This concept incorporates concern for public safety, accountability of the offenders to the victim(s) and the community, and the need to build skills in the juvenile offender. The location where this should take place and the severity of the sanctions depend upon the severity of the crime and the risk to the community of having this juvenile in the community while restoration is taking place. This strategy recognizes the importance of early intervention as a component of both prevention and graduated sanctions and the need to increase alternatives to detention, improve youth education, and increase employment opportunities.

The GJJAC has been actively involved in keeping youth charged with non-criminal misbehavior from being detained with violent juvenile offenders, and has proposed a variety of successful

programs (through grant programs), which hold juvenile offenders accountable for their behavior.

GJJAC members strive to increase the effectiveness of the Council by delivering information on proven programs, policies and practices and educating state and local policy makers on juvenile justice issues. The committee increases public awareness of prominent issues in juvenile justice through communications and publications as well as developing and implementing innovative strategies to prevent and reduce delinquency.

The Juvenile Justice and Delinquency Prevention Act requires compliance with the following federal core principles:

- a. That status offenders (juveniles who commit acts which would not be offenses if committed by adults, i.e. runaways, truants, violations of curfew) shall not be placed in secure detention facilities or secure correctional facilities;
- b. That neither juveniles alleged to be or found to be delinquent, nor status offenders, shall be detained or confined in any institution in which they have contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges (sight and sound separation);
- c. That juveniles not be detained or confined in any jail or lockup for adults for a period not to exceed six hours for processing or release, while awaiting transfer to a juvenile facility, or in which period such juveniles make a court appearance, and only if such juveniles do not have contact with adult inmates; and
- d. That disproportionate representation of minority children in the juvenile justice system be addressed in juvenile detention facilities, secure correctional facilities, adult detention correctional facilities, and any other staff secured programs. Effective October 1, 2003, this core principle changed to Disproportionate Minority Contact (DMC) and states will be required to assess DMC in all phases of the juvenile justice system.

For FFY 2015, South Carolina has achieved full compliance with Section 223(a)(11) of the JJDP Act (the “deinstitutionalization of status offenders” or “DSO” requirement). In 1996, the State enacted legislation that would allow secure confinement of status offenders, status contemnors and status probation violators to be committed to the custody of the Department of Juvenile Justice (DJJ) or to a secure evaluation center operated by DJJ for a determinate period not to exceed 90 days. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) withheld 20 percent of the State’s annual Formula Grant award for FFY 2012 through FFY 2014 for non-compliance with the DSO requirement, because the number of confined status offenders was above the de minimus allowed. Efforts to deinstitutionalize status offenders have been and continue to be made by the South Carolina Department of Juvenile Justice and include implementing nonsecure alternative programs throughout the state and providing a risk and needs assessment instrument to judges, solicitors, public defenders, and DJJ staff for use at the pre-adjudicatory detention, intake disposition, and commitment stages of the juvenile justice system. Additionally, during an August 2012 OJJDP technical assistance training for the GJJAC, one of the goals developed by the group to address the issue of non-compliance of the

DSO core requirement was to get a Family Court Judge appointed to the Council. This goal was met in 2013.

South Carolina has achieved full compliance with the site and sound separation requirement of Section 223(a)(12) of the JJDP Act, and assures that adequate plans and resources are available to maintain full compliance. South Carolina further assures that offenders are not reclassified administratively and transferred to a correctional authority to avoid the intent of segregating adults and juveniles in correctional facilities. Separation of juveniles from adult offenders is a matter not only of state law, but is included in the South Carolina Constitution.

For FFY 2015, South Carolina has been determined in compliance with the Jail and Lockup Removal requirement of Section 223(a)(13) of the JJDP Act. The State developed a Jail Removal issue due to increasing population densities and the certification of facilities as 48-hour secure juvenile holdovers more than a decade ago. Greenville County accounted for almost all of South Carolina's jail removal violations during that time. The OJJDP withheld 20 percent of the annual Formula Grant award for non-compliance with this core requirement during that time period, which resulted in a loss of over \$2,000,000 for juvenile justice programs. In an effort to overcome this non-compliant status, representatives of all the key state and local agencies began meeting in Greenville, SC in 2011 to discuss the renovation and opening of the new juvenile detention center. The Director of the Department of Juvenile Justice, the Chair and other members of the GJJAC, representatives from the SC Department of Public Safety, Greenville County Government and local law enforcement agencies were all in attendance. The meetings resulted in Greenville County deciding to renovate an existing building on the grounds of the county law enforcement complex and re-opening it as a stand-alone juvenile detention facility. Additionally as a result of the meetings, the county is partnering with other agencies charged with providing services to juveniles (to include, but not limited to SCDJJ, SCDSS and SCDOE) to provide office space and services in a large non-secure section of the facility. As of September 30, 2013, the Greenville County Juvenile Detention Center, which used juvenile justice grant funding for equipment purchases during renovation, began its official operation of detaining juveniles. All juveniles, juvenile files, and juvenile officers have been removed from the Greenville County Adult Detention Center. Reports have been received which indicate that no juveniles are held in the adult facility. OJJDP continued to withhold 20 percent of the Formula Grant award for non-compliance with this core requirement through FFY 2014; however, the State Administrative Agency recently completed and submitted an interim compliance monitor report covering January through June 2014, per OJJDP requirements, requesting to be found in compliance with this core requirement for FFY 2015. As stated above, this request was granted. For the first time in more than ten years, South Carolina has no jail removal violations.

South Carolina has completed Phases I (Identification) and II (Assessment) of the DMC plan as required by the JJDP Act and Regulation and is in compliance with this principle. Efforts continue in Phases III (Intervention), IV (Evaluation), and V (Monitoring). Although there is no state law that specifically addresses this core principle, legislation passed in the summer of 2006 requires law enforcement agencies to electronically report data to the South Carolina Department of Public Safety (SCDPS) including race, age, and gender for each traffic stop. These data will enable the state to track and assess any degree of disproportionality for this aspect of the contact phase and to better comply with federal reporting requirements.

For background and informational purposes, DMC is defined as a *rate* of contact with the juvenile justice system among juveniles of a specific minority group that is significantly different than the *rate* of contact for Whites (i.e., non-Hispanic Caucasians) or for other minority groups. The Relative Rate Index (RRI) is the tool used to measure DMC and involves comparing the relative volume (rate) of activity for each major stage of the juvenile justice system for minority youth with the volume of that activity for White (majority) youth. This method of comparison provides a single index number which indicates the extent to which the volume of that form of contact or activity is different for minority youth from that of white youth. If the number is 1.0, there is no disproportionality. A number greater than one indicates that a minority group is represented more often than Whites at that stage of the juvenile justice system, while a number below 1.0 indicates the minority group is less frequently represented. The latest statewide RRI data available covers calendar year 2012, and the RRI at the arrest stage of the juvenile justice system for all minority youth compared to non-minority youth for 2012 is 2.07. The arrest stage reflects the highest RRI numbers of all major stages of the juvenile justice system in South Carolina. The GJJAC is very concerned about this number and continues to work toward a solution.

A portion of JJDP funds allocated to the states by the federal Office of Juvenile Justice and Delinquency Prevention is used to provide administrative support, compliance monitoring, and program grant administration for the State Advisory Groups. In South Carolina, this support is provided by the South Carolina Department of Public Safety, Office of Highway Safety and Justice Programs.

The GJJAC also recommends juvenile justice grant applications to the South Carolina Public Safety Coordinating Council for award or denial. In FFY 2014 the GJJAC recommended and received approval to fund four Title II Formula grant applications. Three of the four projects were awarded to private, not-for-profit agencies (Carolina Family Services, Inc., Boys and Girls Clubs of the Midlands, and Columbia Urban League, Inc.), and the fourth project was awarded to the City of Spartanburg. The purpose of each of the 2014 Title II Formula projects is to reduce the institutionalization of status offenders (DSO core requirement). Projects using Juvenile Accountability Block Grant funds were awarded to Richland County for a status offender intervention project; the University of South Carolina's Children's Law Center for a statewide initiative to reduce the institutionalization of status offenders; DJJ to assist with the development of a fourth generation risk and needs assessment to replace the second generation tool currently in use; and DJJ for training in and implementation of an evidence-based program to improve the safety of juveniles and staff and the successful rehabilitation of older, more violent youth at the Broad River Road Complex.